HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 18112 OF 2006

DATED: 4.9.2006

Between:

Sri Linga Buchaiah and others

… Petitioners

and

The Commissioner of Endowments of
A.P. and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 18112 OF 2006

ORAL ORDER:

The petitioners claim to be lessees of agricultural lands belonging to the 3rd respondent-Devasthanam. They however assert no facts as to when a lease deed was executed in their favour, by which authority and for what tenure. However, they are making periodical payments since 1994 which the 3rd respondent has been accepting. What this transaction means in terms of the provisions of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act') or the statutory rules made thereunder governing leases of agricultural properties of religious institutions, is not clarified by the petitioners.

Any occupation of lands of religious institutions, otherwise than in accordance with the substance and procedure ordained by the statutory rules made under the Act, would not elevate the status of such occupier to that of a lawful tenant and any such occupier would be a mere encroacher. Even encroachers are however liable to be evicted in accordance with the due process of law and after following

the provisions of Section 83 of the Act.

The petitioners are aggrieved by the auction of the agricultural lands of the 3rd respondent-Devasthanam proposed by the Executive Officer of the 3rd respondent by a public notification dated 5.8.2006 to conduct the auction on 17.8.2006.

Sri Venkateswarlu Posani, learned counsel for the petitioners, states that the auction was not held on 17.8.2006 and is scheduled to be held any time now. As the petitioners have not established themselves to be lawful tenants of the agricultural lands of the 3rd respondent-Devasthanam and have not shown that they have a lawful lease in currency, no legal right or locus standi is established to interdict the conduct of an auction, as proposed by the 3rd respondent and notified on 5.8.2006. The fact that there are standing crops or any other usufruct on the land is of no legal consequence therefor. If the petitioners are only encroachers, they are liable to be evicted however in accordance with law.

The writ petition is accordingly dismissed. If the respondents desire to evict the petitioners, they are at liberty to do so, following the provisions of Section 83 of the Act. No costs.

GODA RAGHURAM, J

Date: 4.9.2006
cvm